REMARKS

Claims 20, 30-35, and 36-49 are currently pending. Claim 20 is amended to include the limitations of claims 22-24 and 28, and new claims 36-49 are added, to more particularly set forth the subject matter which Applicants regard as their invention. The title is amended to reflect the subject matter of the claims. Neither the amendments nor the claims constitute new matter.

Claims 30-35 are deemed allowable. Claims 22-24 and 28 are objected to as being dependent on a rejected claim. The other claims are rejected as obvious over cited art.

For reasons set forth below, all objections and rejections should be removed and the claims should be allowed to issue.

1. The Objections To Claims 22-24 And 28 Are Addressed

Claims 22-24 and 28 are objected to as depending on a rejected claim In this paper, their limitations have been incorporated into claim 20. Accordingly, the objection should be withdrawn and claim 20 should be deemed allowable.

2. The Claims Are Not Obvious

Claims 20-21, 25-27 and 29 are rejected under 35 U.S.C. §103(a) as obvious over Daboussi, 1996, J. Genet. 75(3): 325-339 ("Daboussi") in view of Migheli et al, 1999, Genetics 151:1005-1013 ("Migheli"). The Examiner contends that it would have been obvious to use the niaD gene of *Aspergillus nidulans* as taught by Migheli in a method of gene tagging using the

Impala transposon as taught by Daboussi, including a method is which the transposon carries an additional marker.

Applicants note that either as a result of amendment or cancellation, the rejection has been rendered moot as to the claims it cites.

Applicants further assert that the rejection should not be applied to the new claims. The new claims either focus on the use of the inventive method as applied to *Magnaporthe grisea* (new claims 36-37), require that a transposase be provided (new claims 38-48), or relate to a promoter trap (new claim 49).

The cited references do not address how to solve the problem of absent or inefficient transposition of *Impala*, as occurs, for example, in *Magnaporthe grisea.* Applicants invite the Examiner's attention to the instant specification at page 5, lines 8-18, which provides background for the invention:

> It has not been possible to demonstrate the transposition of *Impala*, other than at an extremely low rate which is incompatible with the development of a tool for insertional mutagenesis, using the *niaD/Impala* gene construct of the pNi160 plasmid (Langin et al., 1995) in other fungi, and more particularly *Magnaporthe grisea.* These observations suggest that the *niaD/Impala* construct of the pNi160 plasmid (Langin et al., 1995) and more particularly that the *Impala* transposon itself, are not functional in other fungi, and in particular in *M. grisea.*

The present invention overcomes this obstacle by offering two complementary approaches: using a double selection process to collect cells in which transposition has occurred (the first selection) *and* that exhibit the phenotype of interest (the second selection) and/or providing a transposase able to mobilize the *Impala* element. This approach may be applied to any fungal species in which transposition of *Impala* is inefficient, not just *Magnaporthe grisea.* Because neither Daboussi nor Migheli or their combination would lead the skilled artisan to

arrive at these aspects of the presently claimed invention with any reasonable expectation of success, they should not be considered to render the claims obvious.

Accordingly, the rejection should be withdrawn and should not be applied to the new claims.

3. Conclusion

For all the foregoing reasons, it is believed that the claims are in condition for allowance.

Respectfully submitted,
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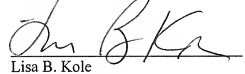

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